## **9**077335368

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

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REQUEST

#### CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

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Application Number	09/420,635
Filing Date	October 21, 1999
First Named Inventor	Werner Juengling
Group Art Unit	2812
Examiner Name	H. Tsai
Attorney Docket Number	MI22-1243

37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice. Submission required under 37 C.F.R. § 1.114 Previously submitted Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_ (Any unentered amendment(s) referred to above will be entered). Consider the arguments in the Appeal Brief or Reply Brief previously filed on Other b. X Enclosed i. X Amendment/Reply Affidavit(s)/Declaration(s) iii. X Information Disclosure Statement (IDS) iv. |x| Other Not yet initialed 1449 and a copy of cited reference 2. Miscellaneous Suspension of action on the above-identified application is requested under 37 C.F.R. months. (Period of suspension shall not exceed 3 months, Fee under 37/C.F.R. § 1.02(i) required) Other The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. RCE fee required under 37 C.F.R. § 1.17(e) 09/19/2002 AWONDAF1 00000130 09420635 Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) iii. | Other 84.00 OP b. X Check in the amount of \$\$842.00 Payment by credit card (Form PTO-2038 enclosed) SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED Name (Print /Type) Registration No. (Attorney/Agent) Frederick M. Fliegel, Ph.D. Signature September 16, 2002 CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Express Mail EV 077335368 US Name (Print/Type) September 16, 2002 Signature Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

# EV077335368

PTO/SB/17 (11-01)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL

| Complete if Known | Application Number | 09/420,635

### FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 842.00

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Complete if Known					
Application Number	09/420,635				
Filing Date	October 21, 1999				
First Named Inventor	Werner Juengling				
Examiner Name	H. Tsai				
Group Art Unit	2812				
Attorney Docket No.	MI22-1243				

Check   Credit card   Money   Other   None   None   Order   None   Order   None   Order   None   Order   Order   None   Order   Orde	METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)						
Large Entity   Small Entity   Smal	X Check	Credit card		r None	ne 3. ADDITIONAL FEE		AL FE	ES		
Peposit Account Number   Peposit Account Number   Peposit Account Number   Peposit Account Number   Peposit Account   Wells, St. John et al.		nunt:	Order —		Large	Entity	Sma	II Entit	<u>y</u>	
Number Deposit Account Name  The Commissioner is authorized to: (check all that apply)  Charge fee(s) indicated below	Donocit [		5						Fee Description	Fee Paid
The Commissioner is authorized to: (check all that apply)    Charge fee(s) indicated below   Credit any overpayments     Charge any additional fee(s) during the pendency of this application     Charge fee(s) indicated below   Credit any overpayments     Charge fee(s) fee fee fee fee fee fee fee fee fee fe	Number				105	130	205	65	Surcharge - late filing fee or oath	
Charge fee(s) indicated below     Credit any overpayments   139   130   130	Account	Wells,	St. John et	al.	127	50	227	25		
Charge any additional fee(s) during the pendency of this application   147 2,520   17					139	130	139	130	Non-English specification	
Charge fee(s) indicated below. except for the filing fee to the above/dentified denoit account.	_				147	2,520	147	2,520	For filing a request for ex parte reexamination	
113   1,840   133   1,840   1,840   133   1,840   1,840   133   1,840   133   1,840   133   1,840   133   1,840   133   1,840   133   1,840   133   1,840					112	920*	112	920°	Requesting publication of SIR prior to	
Substance   Fee				166	442	4 0 4 0 *	442	4 040*		
1. BASIC FILING FEE   Large Entity   Small Entity		•			113	1,840	113	1,840		
Substance   Fee	1 BASIC FILIN				115	110	215	55	Extension for reply within first month	
Fee					116	400	216	200	Extension for reply within second month?	
101 740   201 370   Utility filing fee   740   108 330   206 165   Design filing fee   118 1,440   218 720   Extension for reply within fourth month   119 320 219 160   Notice of Appeal   120 320   220 160   Filing a brief in support of an appeal   121 280 221 140   Request for oral hearing   122 280 220 160   Request for oral hearing   123 280 221 140   Request for oral hearing   124 280 242   Request for oral hearing   125 280 221 140   Reque	Fee Fee Fee	e Fee	Fee Description	Fee Paid	117	920	217	460	Extension for reply within third month	2 7
106 330			Utility filing fee		118	1,440	218	720		7
107 510   207 255   Plant filing fee   119 320   219 160   Notice of Appeal   120 320   220 160   Filing a brief in support of an appeal   121 280   221 140   Request for oral hearing   138 1,510   Request for oral hearing   138 1,510   Petition to revive - unavoidable   140 110   150   240 55   Petition to revive - unavoidable   141 1,280   242 640   Utility issue fee (or reissue)   143 460   243 230   Design issue fee   144 620   244 310   Plant issue fee   144 620   244 310   Plant issue fee   144 620   244 310   Plant issue fee   144 620   244 310   Processing fee under 37 CFR 1.17(q)   150	106 330 20	6 165		/40	128	1,960	228	980	Extension for reply within fifth month —	
SUBTOTAL (1) (\$) 740.00  2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Fee from below Fee Paid Total Claims Independent Claims Total Claims Independent Claims Total Claims Tota	107 510 20	7 255	• •		119	320	219	160	Notice of Appeal	
SUBTOTAL (1) (\$) 740.00  2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Extra Claims Independent Claims Independent Claims Independent Claims Multiple Dependent  Large Entity   Small Entity Fee Fee Code (\$)   Code (\$)   102 84   202 42   Independent claims in excess of 20 and over original patent  109 84   209 42   Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$) 102.00  138 1,510   Petition to institute a public use proceeding the petition to revive - unavoidable or petition to revive - unavoidable or petition to revive - unintentional or petition to revive - unintention or petition to revive - unintention or petition to revive - unintentional or petition to revive - unintentional or petition to revive - unavoidable or petition to revive - unintentional or petition to revive - unintention or petition to revive - unavoidable or petition to revive - u	108 740 20	8 370	Reissue filing fee		120	320	220	160	Filing a brief in support of an appeal	S H
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE    Extra Claims   Fee from below   Fee Paid below   Fee Paid   142   1,280   242   640   Utility issue fee (or reissue)   143   460   243   230   Design issue fee   144   620   244   310   Plant issue fee   146   1	114 160 21	4 80	Provisional filing fee		121	280	221	140		5 0
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE    Extra Claims   Fee from   Fee Paid   142   1,280   143   460   242   640   143   144   1,280   145   14	'	•	URTOTAL (1) (C)	740 00		-			Petition to institute a public use proceeding	<b></b>
Total Claims Independent Independent Claims Independent Claims Independent Claims Independent Claims Independent Claims Independent Independent Independent Independent Independent Claims Independent Claims Independent In					140	110	240	55	Petition to revive - unavoidable	<b></b>
Total Claims	2. EXTRA CLA	AIM FEES	Fee fro	m		•			1	$\vdash$
Independent		21 20							• •	<b></b>
Multiple Dependent  Large Entity   Small Entity   Fee Fee   Fee Fee   Code (\$)    103 18 203 9   Claims in excess of 20    104 280 204 140   Multiple dependent claims in excess of 3    109 84 209 42 "Reissue independent claims over original patent    110 18 210 9 "Reissue claims in excess of 20 and over original patent    SUBTOTAL (2) (\$) 102.00    122 130   122 130   Petitions to the Commissioner    123 50   Processing fee under 37 CFR 1.17(q)    126 180   Submission of Information Disclosure Stmt    126 180   Submission of Information Disclosure Stmt    127 180   Submission of Information Disclosure Stmt    128 180   Submission of Information Disclosure Stmt    129 180   Submission after final rejection (37 CFR § 1.129(a))    129 180   Submission after final rejection (37 CFR § 1.129(a))    129 180   Submission after final rejection (37 CFR § 1.129(b))    149 740   249 370   For each additional invention to be examined (37 CFR § 1.129(b))    149 740   249 370   For each additional invention to be examined (37 CFR § 1.129(b))    180   Submission of Information Disclosure Stmt    181   40   581   40   Recording each patent assignment per property (times number of properties)    180   581   40   581   40   Recording each patent assignment per property (times number of properties)    190   84   202   42   Independent claims, if not paid (37 CFR § 1.129(a))    190   84   740   249 370   For each additional invention to be examined (37 CFR § 1.129(b))    190   169 900   169 900   Request for Continued Examination of a design application    190   169 900   169 900   Request for expedited examination of a design application    190   1		<del>-</del>		; <del></del>					•	
Large Entity   Small Entity   Fee   Fee   Fee   Code (\$)   Fee Description   123   50   123   50   126   180   Submission of Information Disclosure Stmt   581   40   581   40   581   40   680	B		- LL  ^	J <u>*[8/</u> ]						
Large Entity   Small Entity   Fee   Fee   Fee   Fee   Fee   Fee   Fee   Code (\$)    103	Multiple Dependen	IK.	<u> </u>	الـــــا ً لـــــا	ļ.		Į.			
Fee Fee Code (\$)  103 18 203 9 Claims in excess of 20  102 84 202 42 Independent claims in excess of 3  104 280 204 140 Multiple dependent claims over original patent  109 84 209 42 "Reissue independent claims over original patent  110 18 210 9 "Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$) 102.00  120 180 Submission of information discussion submission of information discussion submission of information discussion submission after final rejection (37 CFR § 1.129(a))  146 740 246 370 Filling a submission after final rejection (37 CFR § 1.129(a))  149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))  179 740 279 370 Request for Continued Examination (RCE)  169 900 Request for expedited examination of a design application  Other fee (specify)	Large Entity   Sr	mall Entity			ŀ				•	
103 18 203 9 Claims in excess of 20 102 84 202 42 Independent claims in excess of 3 104 280 204 140 Multiple dependent claims, if not paid 109 84 209 42 "Reissue independent claims over original patent 110 18 210 9 "Reissue claims in excess of 20 and over original patent  SUBTOTAL (2) (\$\frac{1}{3}\) 102.00  Total property (times number of properties)  146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))  149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))  179 740 279 370 Request for Continued Examination (RCE) 169 900 169 900 Request for expedited examination of a design application  Other fee (specify)	Fee Fee F	ee Fee	Fee Description				l			
102 84 202 42 Independent claims in excess of 3 104 280 204 140 Multiple dependent claims, if not paid 109 84 209 42 "Reissue independent claims over original patent"  110 18 210 9 "Reissue claims in excess of 20 and over original patent"  SUBTOTAL (2) (\$\frac{1}{3}\) 102.00 146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))  149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))  179 740 279 370 Request for Continued Examination (RCE) 169 900 Request for expedited examination of a design application  Other fee (specify)			Claims in excess of 20		581	40	581	40	property (times number of properties)	
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109 84 209 42 Reissue independent claims over original patent 110 18 210 9 Reissue claims in excess of 20 and over original patent 179 740 279 370 Request for Continued Examination (RCE) 169 900 Request for expedited examination of a design application 1102.00 Other fee (specify)				•	149	740	249	370	For each additional invention to be	
and over original patent  169 900 169 900 Request for expedited examination of a design application  SUBTOTAL (2) (\$) 102.00			over original patent			740		270	examined (37 CFR § 1.129(b))	
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(4)			one or or original par		169	900	169	900		
(8) 0	SUBTOTAL (2) (\$) 102.00		Other fee (specify)							
**or number previously paid, if greater; For Reissues, see above *Reduced by Basic Filing Fee Paid *SUBTOTAL (3) (\$\(\bar{\psi}\) U			`,		*Red	uced b	/ Basi	ic Filing	Fee Paid SUBTOTAL (3)	0

SUBMITTED BY		Complete (i	Complete (if applicable)		
Name (Print/Type)	Frederick M. Fliegel	, Ph.D. Registration No.	36,138	Telephone	509-624-4276
Signature				Date	Suct. 16,2002

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